IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 26949 of 2003

Between:

Y.P.S.Subbaiah, S/o.Late Y.Subramanya Sarma,
R/o.Jeedimetla, Qutubullapur Mandal, R.R.District.

..... PETITIONER

AND

1 District Collector, Hyderabad.
2 Deputy Collector (Land Protection Cell), O/o.Collectorate

Building, Nampally, Hyderabad.
3 Revenue Divisional Officer, Hyderabad at Collectorate Building,

Nampally, Hyderabad.
4 Mandal Revenue Officer, Himayatnagar, Hyderabad.
5 Director, Survey & Land Records, Hyderabad District,

Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or Writ specially Writ of mandamus declaring the high handed action of respondents in interfering, middling with the peaceful possession and enjoyment of 370 sq.yards out of 400 sqs.yards forming part of Plot No.12, Chikkadpally, Hyderabad which was handed over and delivered possession by the bailiff on 11-6-2003 in EP No.50/86 on the file of V Senior Civil Judge, CCC, Hyderabad with consequent direction to the respondents not to allot, assign and grant pattas of the said land treating it is as Government Land basing upon entry in Town Survey Land Record in favour of third parties by declaring the same as illegal, arbitrary, violative of Art. 14 and 300-A of Constitution of India apart from violative of principles of natural justice.

Counsel for the Petitioner : MR. L.PRABHAKAR REDDY

Counsel for the Respondents : GP FOR REVENUE

The Court made the following :

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O R D E R :

Though interlocutory matter is listed before this Court, with the consent of the parties, the writ petition itself is heard finally and disposed of.

This writ petition is filed seeking for declaration that the action of the respondents in trying to interfere with the peaceful possession of the petitioner is illegal and arbitrary. This Court admitted the writ petition and passed interim orders on 29-12-2003 in W.P.M.P.No.34125 and 34126 of 2003 directing the respondents not to dispossess the petitioner from the land nor assign the land in favour of third parties without following due process of law. Now an application being W.V.M.P.No.1066 of 2004 is filed by the respondents praying this Court to vacate the interim order.

In the counter affidavit filed by the Mandal Revenue Officer, Himayatnagar, on behalf of the respondents, it is stated that the land in T.S.Nos.19 and 20, Block-H, Ward No.188 and T.S.No.78, Block-F, Ward No.188 of Lingampally Village is classified as Government land, and therefore, the Government has filed a Land Grabbing Case being L.G.SR.No.17 of 2004 before the Special Court under the provisions of Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (for short 'the Act') and the same is pending. The allegation of the petitioner that the respondents are trying to interfere with the possession is not specifically denied. In that view of the matter, it must be held that the writ petition is filed without any factual foundation and it is made clear that if the respondents intend to take any action, they may do so in accordance with law, after obtaining necessary orders from the Special Court constituted under the Act.

The writ petition, with the above observations, is disposed of. No costs.

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(V.V.S. RAO, J.)

Dt.30-08-2004.

Msr.

To

1 District Collector, Hyderabad.
2 Deputy Collector (Land Protection Cell), O/o.Collectorate

Building, Nampally, Hyderabad.
3 Revenue Divisional Officer, Hyderabad at Collectorate Building,

Nampally, Hyderabad.
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5 Director, Survey & Land Records, Hyderabad District,

Hyderabad.

6. 2CCs to Government Pleader for Revenue, High Court of A.P.,

Hyderabad.

7. 2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.26949 of 2003

Dt.30-08-2004.

(Msr)